440-26
OAL Dkt. Nos. EDU 00330-26, 00350-26, 04507-26, and 05186-26
Agency Dkt. Nos. 412-12/25, 419-12/25, 044-02-26, and 045-02-26

New Jersey Commissioner of Education

Final Decision

K.P., on behalf of I.M.,[1]

Petitioner,

v.

Board of Education of the Township of Saddle Brook, Bergen County, and Toni Violetti, Superintendent; Board of Education of the Pascack Valley Regional High School District, Bergen County, and Sarah Bilotti, Superintendent; and Louis DeLisio, Interim Executive County Superintendent of Schools, Bergen County,

Respondents.

The record of this matter, the Initial Decision of the Office of Administrative Law (OAL), the exceptions filed by petitioner K.P. pursuant to *N.J.A.C.* 1:1-18.4, and the replies thereto filed by respondents have been reviewed and considered.

Petitioner, a resident of Saddle Brook, is the parent of I.M., who is now an adult. I.M. previously attended school in the Saddle Brook School District and the Pascack Valley Regional High School District. Between December 2025 and February 2026, petitioner filed the four related petitions of appeal that form the basis of this matter.

[1] I.M. turned eighteen years old in July 2024 — more than a year before the filing of the petitions in this matter.

The first petition (Complaint 1),[2] filed December 3, 2025, named the Saddle Brook Board of Education (Saddle Brook) and its Superintendent, Toni Violetti (Violetti), as respondents. Petitioner alleged that Saddle Brook and Violetti improperly disclosed a settlement agreement (the Agreement) to the Pascack Valley Regional High School Board of Education (Pascack Valley), thereby violating various student records laws and regulations. The Agreement, executed between petitioner and Saddle Brook in 2020, resolved multiple actions filed by petitioner against the district and stated that Saddle Brook was the local educational authority responsible for providing I.M. with a free and appropriate public education; that Saddle Brook would place I.M. at Pascack Valley pursuant to her Individualized Education Plan (IEP); and that I.M. would continue to attend school at Pascack Valley for so long as that district allowed it.[3]

The second petition (Complaint 2), filed December 4, 2025, named Pascack Valley and its Superintendent, Sarah Bilotti (Bilotti), as respondents. Petitioner alleged that Pascack Valley's September 2023 residency determination – that she and I.M. were not domiciled within the district and that I.M. was not eligible for a free public education in Pascack Valley – was unlawful because it relied upon information received from Saddle Brook, including the Agreement, that should not have been disclosed.[4]

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[2] Because the parties and the Administrative Law Judge (ALJ) refer to the petitions as numbered Complaints, they are referenced herein the same way to avoid confusion.

[3] In July 2023, Pascack Valley declined to renew the arrangement with Saddle Brook for I.M.'s placement at Pascack Valley. Consequently, in order for I.M. to attend school at Pascack Valley free of charge during the upcoming 2023-2024 school year, she and K.P. had to be domiciled within the district. However, Pascack Valley determined that they were domiciled in Saddle Brook.

[4] Petitioner appealed Pascack Valley's residency determination. In October 2024, the Commissioner issued a final decision affirming the residency determination, finding that petitioner and I.M. were domiciled in Saddle Brook, and assessing tuition against petitioner in the amount of $24,322.78 for I.M.'s ineligible attendance at Pascack Valley during the 2023-2024 school year. *K.P., on behalf of minor child,*

The third petition (Complaint 3), filed February 9, 2026, again named Saddle Brook and Violetti as respondents. Petitioner alleged that Saddle Brook failed to comply with mandatory procedures governing student eligibility and residency because it did not issue a residency determination or provide notice to petitioner in June 2023 when it learned that Pascack Valley would not be continuing the prior arrangement to educate I.M. with tuition paid by Saddle Brook. Consequently, petitioner asked for Saddle Brook to be held responsible for I.M.'s tuition at Pascack Valley for the 2023-2024 school year, which the Commissioner had assessed to petitioner in *K.P., on behalf of minor child, I.M. v. Board of Education of the Pascack Valley Regional High School District, Bergen County*, OAL Dkt. No. EDU 09166-23, Commissioner Decision No. 364-24 (Oct. 8, 2024).

The fourth petition (Complaint 4), filed February 11, 2026, named Bergen County Interim Executive County Superintendent Louis DeLisio (DeLisio) and Bilotti as respondents. Petitioner alleged that DeLisio improperly disclosed sensitive student information to Bilotti by telling her about a statement that petitioner made during an August 2023 telephone call to his office which raised mental health concerns, and that Bilotti improperly commented on I.M. having a car.

The respondents filed motions to dismiss each of the four petitions, which petitioner opposed. Upon transmittal to the OAL, the four petitions were adjudicated together. The Administrative Law Judge (ALJ) held that even accepting all alleged facts as true, dismissal of the petitions was warranted. Among the multiple reasons the ALJ cited in support of dismissal was that the petitions were time-barred under the 90-day rule.

I.M. v. Board of Education of the Pascack Valley Regional High School District, Bergen County, OAL Dkt. No. EDU 09166-23, Commissioner Decision No. 364-24 (Oct. 8, 2024).

In her exceptions, petitioner admits that Complaint 3 and Complaint 4 are untimely. However, she asks the Commissioner to relax the 90-day filing deadline because strict adherence thereto may result in injustice. She asserts that the burden she endured as a self-represented litigant handling four interrelated legal matters should weigh in favor of relaxation, and that her claims were pursued promptly without bad faith.

With respect to Complaint 1 and Complaint 2, in which the allegations center around Saddle Brook's sharing of the Agreement with Pascack Valley, petitioner does not contest the ALJ's finding that she sent an email to Saddle Brook on June 4, 2025, stating: "It has come to my attention that a copy of the [Agreement] involving my child was shared with [Pascack Valley] without my written consent . . . ." (Initial Decision at 8). Moreover, petitioner does not contest the ALJ's finding that none of her petitions/complaints were filed before December 2025. However, she contends that "an expression of concern or suspicion is not equivalent to actual knowledge of the operative facts necessary to assert a claim." Exceptions at 4. She claims that she was "attempting to determine whether the suspected disclosure had actually occurred" when she sent the June 4, 2025, email, but did not receive "documentary confirmation" until approximately September-December 2025. *Ibid.*

In their replies to petitioner's exceptions, respondents assert a multitude of arguments in favor of dismissal and agree with the ALJ that all four petitions were untimely filed and thus should be dismissed.

Upon review, the Commissioner concurs with the ALJ that the petitions must be dismissed as untimely. *N.J.A.C.* 6A:3-1.3(i) mandates that petitions shall be filed "no later than the 90th day from the date of receipt of the notice of a final . . . action by the district board of education." The

90-day limitation period "represents a fair and reasonably-necessary requirement for the proper and efficient resolution of disputes under the school laws." *Kaprow v. Bd. of Educ. of Berkeley Twp.*, 131 *N.J.* 572, 582 (1993). It "provides a measure of repose" and "gives school districts the security of knowing that administrative decisions regarding the operation of the school cannot be challenged after ninety days." *Ibid.* Notice need not be provided in writing; "unofficial and informal" notice, if otherwise adequate, can trigger the 90-day limitation period. *Id.* at 588.

Petitioner's exceptions are unavailing. As noted above, she admits that Complaint 3 and Complaint 4 are untimely but seeks relaxation of the 90-day filing timeframe because she was burdened by handling four legal matters as a self-represented litigant, and she pursued her claims promptly without any bad faith. "While the Commissioner has the discretion to relax the [90-day] rule . . . this extraordinary relief has been reserved only for those situations where a substantial constitutional issue is presented or where a matter of significant public interest is involved, beyond that of concern only to the parties." *Smith v. State-Operated Sch. Dist. of City of Paterson*, OAL Dkt. No. EDU 06076-14, Initial Decision at 6 (Nov. 6, 2014), *adopted*, Commissioner Decision No. 491-14 (Dec. 18, 2014). Here, petitioner's claims do not invoke substantial constitutional issues or matters of significant public interest beyond that of concern to the parties. They involve a longstanding, contentious dispute between petitioner and respondents specific to her daughter's education. The fact that petitioner represented herself in these proceedings does not provide a basis for relaxing the 90-day filing deadline.

As for Complaint 1 and Complaint 2, petitioner concedes that she sent an email to Saddle Brook on June 4, 2025 — six months before filing Complaint 1 and Complaint 2 — stating that it had come to her attention that Saddle Brook shared the Agreement with Pascack Valley. While

she claims that she did not receive "documentary confirmation" of same until sometime between September and December 2025, documentary confirmation is not required to initiate the 90-day filing timeframe. The June 4, 2025, email establishes that petitioner was aware of the Agreement's disclosure sometime on or before that date. Moreover, the residency matter referenced in Complaint 2 concluded even earlier — in October 2024 — when the Commissioner issued a final decision. Therefore, Complaint 1 and Complaint 2 were untimely filed. Just as is true of Complaint 3 and Complaint 4, petitioner's claims in Complaint 1 and Complaint 2 do not invoke substantial constitutional issues or matters of significant public interest beyond that of concern to the parties that would warrant relaxation of the 90-day filing deadline.[5]

Accordingly, the Commissioner adopts the ALJ's factual findings in their entirety, along with the ALJ's legal conclusions regarding dismissal of the petitions as untimely, as the final decision in this matter. The petitions of appeal are hereby dismissed.

IT IS SO ORDERED.[6]



COMMISSIONER OF EDUCATION

Date of Decision: October 29, 2026
Date of Mailing: October 30, 2026

[5] The Commissioner recognizes that the ALJ held in the Initial Decision that the petitions must be dismissed for reasons other than untimeliness, including lack of standing, failure to state a claim upon which relief can be granted, and res judicata. However, because the Commissioner agrees with the ALJ that the petitions must be dismissed as untimely, it is unnecessary to review and rule upon alternative grounds for dismissal.

[6] This decision may be appealed to the Appellate Division of the Superior Court pursuant to *N.J.S.A.* 18A:6-9.1. Under *N.J.Ct.R.* 2:4-1(b), a notice of appeal must be filed with the Appellate Division within 45 days from the date of mailing of this decision.

State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NOS. EDU 00330-26, 00350-26, 04507-26, & 05186-26
AGENCY DKT. NOS. 412-12/25, 419-12/25, 044-02/26, & 045-02/26

K.P., ON BEHALF OF MINOR CHILD, I.M.,

Petitioner,

v.

BOARD OF EDUCATION OF THE TOWNSHIP OF SADDLE BROOK, TONI VIOLETTI, BOARD OF EDUCATION OF THE PASCACK VALLEY REGIONAL HIGH SCHOOL DISTRICT, SARAH BILOTTI, AND LOUIS DELISIO, INTERIM EXECUTIVE COUNTY SUPERINTENDENT OF SCHOOLS, BERGEN COUNTY,

Respondents.

K.P., petitioner, pro se

Mark Wenczel, Esq., for Board of Education of Saddle Brook and Toni Violetti (Cleary, Giacobbe, Alfieri & Jacobs attorneys)

Vittorio LaPira, Esq., for Board of Education of Pascack Valley and Sarah Bilotti (Fogarty, Hara, LaPira & Cherry attorneys)

Amna Toor, Deputy Attorney General, for New Jersey Department of Education
(Jennifer Davenport, Attorney General of New Jersey, attorney)

Record Closed: July 24, 2026 Decided: September 10, 2026

BEFORE **ANDREA PERRY VILLANI**, ALJ:

STATEMENT OF THE CASE

Petitioner, K.P., filed numerous claims against respondents, two school districts and three superintendents, related to her daughter, I.M.'s, school residency case, which concluded two years ago. I.M. has since graduated and is now an adult, so no further relief can be granted. Should K.P.'s claims be dismissed? Yes. New Jersey Court Rule 4:6-2(e) provides for dismissal when a party fails to present claims upon which relief can be granted.

PROCEDURAL HISTORY

On August 9, 2023, Pascack Valley Board of Education (Pascack Valley) denied I.M. enrollment at Pascack Valley Regional High School. On August 16, 2023, I.M.'s mother, K.P., filed an appeal with the Commissioner of Education. On September 14, 2023, the New Jersey Department of Education transmitted the case to the Office of Administrative Law (OAL) for a hearing as a contested case under N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14F-1 to -13.

On May 14, 2024, May 21, 2024, and June 4, 2024, Administrative Law Judge Patrice E. Hobbs (ALJ Hobbs) conducted the hearing, and on July 16, 2024, she rendered a decision. She found that I.M. and K.P. resided in Saddle Brook; I.M. could no longer attend Pascack Valley because it declined to renew its tuition agreement with Saddle Brook Board of Education (Saddle Brook); and, K.P. claimed to live in Montvale to enroll I.M. in Pascack Valley as a resident, but K.P. and I.M. did not live in Montvale. Because K.P. and I.M. were not domiciled in Montvale or anywhere else in the Pascack Valley school district, ALJ Hobbs concluded that I.M. was not entitled to a free public education

there. On October 8, 2024, the Commissioner of Education entered a Final Decision adopting ALJ Hobbs' decision and ordered K.P. to pay $24,322.78 in tuition to Pascack Valley.

While K.P. was pursuing the school residency case against Pascack Valley as set forth above, she was also pursuing Special Education Due Process cases against Pascack Valley and Saddle Brook as follows.

On November 30, 2023, K.P. filed due process petitions against Pascack Valley and Saddle Brook alleging that the districts did not provide I.M. with a finalized 504 plan for the 2023-2024 school year. K.P.'s petitions each requested a finalized 504 plan and $100,000. On April 17, 2024, April 19, 2024, April 30, 2024, and July 16, 2024, Administrative Law Judge Kelly Kirk (ALJ Kirk) conducted the hearing. On August 8, 2024, ALJ Kirk rendered a decision. She found that I.M.'s final 504 plan was accessible to staff at the start of the 2023–2024 school year; K.P. received the draft 504 plan on June 19, 2023, and the final 504 plan on November 7, 2023; the draft 504 plan and final 504 plan were identical except for the meeting date and "DRAFT" designation; and, K.P. was in possession of the final 504 plan before she filed the Pascack Valley and Saddle Brook petitions. ALJ Kirk concluded that I.M. received a Free Appropriate Public Education (FAPE) and that neither school violated Section 504 of the Rehabilitation Act.

Over a year later, K.P. filed four more complaints against Pascack Valley and Saddle Brook, which are the subject of this case as follows.

On December 30, 2025, K.P. filed a complaint against Saddle Brook and Superintendent Toni Violetti (Complaint One) alleging "improper disclosure of student records, unlawful administrative coordination, residency matters, and actions taken by superintendents that violate statute or regulation," because Saddle Brook and Violetti communicated with Pascack Valley and disclosed settlement terms. Complaint One requests "[a] finding that [Saddle Brook] unlawfully disclosed confidential student information"; "[a] determination that [Saddle Brook's] communications with [Pascack Valley] were improper"; that "[Saddle Brook's] participation in [Pascack Valley's] removal process violated N.J.A.C. 6A:22 and N.J.A.C. 6A:3"; and "[a]n order directing [Saddle

Brook] to correct all student records, consistent with N.J.A.C. 6A:32-7.7, including removing any improper notations related to residency or tuition placement."

On January 6, 2026, K.P. filed a complaint against Pascack Valley and Superintendent Sarah Bilotti (Complaint Two) alleging "improper student removal, residency determinations, [and] due process violations" because Pascack Valley relied on information shared by Saddle Brook when making its residency determination and because Bilotti allegedly retaliated against I.M. and improperly denied I.M. free school lunch. Complaint Two requests "[a] finding that [Pascack Valley]…issu[ed] an unlawful residency determination"; "[a] finding that Pascack Valley denied [K.P. and I.M.] due process"; "[a] determination that Superintendent Bilotti acted in bad faith, retaliation, and abuse of authority"; "[a] declaration that the student's removal was void ab initio"; and, "[a]n order directing [Pascack Valley] to correct all student records."

On March 13, 2026, K.P. filed a complaint against Saddle Brook Superintendent Toni Violetti (Complaint Three) alleging "failure to comply with mandatory procedures governing student eligibility and residency determinations" because Saddle Brook didn't issue a residency determination or provide adequate notice and Violetti disclosed the settlement agreement to Pascack Valley. Complaint Three requests that Saddle Brook assumes financial responsibility for I.M.'s tuition for the 2023-2024 academic year.

On March 31, 2026, K.P. filed a complaint against Interim Executive County Superintendent Louis DeLisio and Pascack Valley Superintendent Sarah Bilotti (Complaint Four) alleging improper disclosure of sensitive student information and arbitrary and capricious administrative action because DeLisio told Bilotti about a statement K.P. made to his office and Bilotti remarked on I.M.'s car when denying her free school lunch. Complaint Four requests "corrective guidance" or "training," "review [of] meal-benefit determination and…equitable relief," and correction of school records.

The respondents in all four cases filed Motions to Dismiss. K.P. filed opposition to the motions on May 15, 2026, and June 28, 2026. On July 24, 2026, the respondents filed reply briefs, and I closed the record.

FINDINGS OF FACT

Based on ALJ Hobbs' July 16, 2024 decision, which the Commissioner of Education adopted, and also based on K.P.'s Complaints One through Four, and treating the allegations contained in them as true, and giving K.P. the benefit of all legitimate inferences that may be drawn from them, I **FIND** the following as **FACT** for purposes of these motions only:

On or about December 11, 2020, K.P. and Saddle Brook entered into a Global Stipulation of Settlement (Saddle Brook Settlement) resolving multiple actions filed by K.P.. The Saddle Brook Settlement held, among other things, that Saddle Brook was the local educational authority responsible for providing I.M. with FAPE; Saddle Brook would place I.M. through an Individualized Education Program (IEP) at Pascack Valley; and, I.M. would remain at Pascack Valley for so long as that district allowed it. The Saddle Brook Settlement does not contain a confidentiality clause.

In January 2021, pursuant to the terms of the Saddle Brook Settlement, Saddle Brook entered into a Tuition Agreement with Pascack Valley (Tuition Agreement). The Tuition Agreement stated that Saddle Brook would reimburse Pascack Valley for educating I.M. at Pascack Valley Regional High School from January 11, 2021, through June 16, 2021. Pascack Valley would review the Tuition Agreement each year and decide whether to approve it for the next school year.

On June 7, 2021, Pascack Valley approved the Tuition Agreement for a second year. On June 27, 2022, Pascack Valley approved the Tuition Agreement for a third year. In July 2023, Saddle Brook submitted the Tuition Agreement to Pascack Valley for I.M.'s fourth and final year. On July 27, 2023, Pascack Valley notified Saddle Brook that it would not renew the Tuition Agreement with Saddle Brook for the 2023–2024 school year.

On August 7, 2023, Pascack Valley issued a letter explaining its reasons for not renewing the Tuition Agreement. One reason was K.P.'s belligerent behavior toward the dance coach, Dena Noone. Noone testified at ALJ Hobbs' hearing that she told Pascack Valley she would rather resign than be subjected to continued vitriol from K.P. K.P. was

loud and belligerent toward Noone during the school year, and K.P. made several disparaging remarks about and toward Noone during the hearing. Pascack Valley also explained that K.P. was verbally abusive toward the guidance counselor, Shelly Tobin. K.P. demanded that Tobin not speak with I.M. and that she only communicate through K.P. Tobin testified that it made her job as guidance counselor almost impossible. K.P. made several inappropriate and disparaging remarks to Tobin during ALJ Hobbs' hearing.

When K.P. learned that Pascack Valley would not renew the Tuition Agreement, she contacted the Bergen County Office of Education "seeking help concerning [I.M.'s] education and family circumstances." (K.P.'s June 29, 2026 brief.) Louis Delisio, Interim Executive County Superintendent (ECS) of Schools in Bergen County, "interpreted that contact as suggesting an adult welfare concern and caused law enforcement to be contacted. He then communicated information from that exchange to [Sarah Bilotti, Pascack Valley Superintendent], who relayed it to district counsel." (K.P.'s June 29, 2026 brief.) Bilotti later remarked in an email to Pascack Valley's attorney: "Lou indicated that subsequent to my last conversation with him, they made a referral to law enforcement because [K.P.] threatened to kill herself if the ECS did not immediately return her phone call."

Also around this time, on August 3, 2023, K.P. submitted several Open Public Records Act (OPRA) requests to Pascack Valley. She used her Saddle Brook address, though she would later claim that she was living in Montvale, not Saddle Brook, at the time. At ALJ Hobbs' hearing, K.P. testified that she can use any address she likes on any form, and she used her Saddle Brook address because she wanted to surprise Pascack Valley. She did not want them to know her true plans.

On August 6, 2023, K.P. submitted a Due Process Petition and again used her Saddle Brook address. She would later testify that using a Saddle Brook address does not mean that she lives there.

On August 8, 2023, K.P. attempted to register I.M. at Pascack Valley using a Montvale address. The Montvale address belongs to Fatima Spiradinova, who certified

that K.P. and I.M. were living with her in Montvale. In Spiradinova's Affidavit, she stated that she helped three other people enroll in school at Pascack Valley.

On August 9, 2023, Superintendent Bilotti emailed Pascack Valley's attorney stating:

> I agree that she is not eligible as an affidavit student. She is crafty.
>
> I am not going to let her continue to hold this district hostage to constant email/back and forth/complaints, etc. It is obvious that this purported "residency," represented now a week after she was advised by Saddle Brook that we are no longer accepting the tuition placement, is a misrepresentation fabricated solely to enable some new entitlement. There is obviously no such entitlement, here, and we cannot engage with her in a continuous back and forth.
>
> Saddle Brook is actively engaged in finding her an appropriate, high-performing district in which to enroll. I think we need to let that process move forward. Hopefully with her becoming interested in an independent school with more to offer.

On August 10, 2023, Pascack Valley informed K.P. that her registration application for I.M. at Pascack Valley was denied, and on August 16, 2023, K.P. filed her appeal of Pascack Valley's determination with the Commissioner of Education.

Saddle Brook and Pascack Valley then discussed K.P.'s petition and shared information. For instance, Bilotti said in an email that she spoke directly to the Saddle Brook Superintendent, Violetti, who said K.P. had filed six actions against them and they were not taking the position that K.P. lived in Montvale. Violetti emailed Bilotti a copy of the Saddle Brook Settlement.

On August 23, 2023, Pascack Valley sent an email to K.P. notifying her that I.M. had been enrolled at Pascack Valley, pending the outcome of her appeal. However, because of her past behavior and threats to the staff at Pascack Valley, K.P. was not allowed on the campus of the high school. All communication with Pascack Valley would be via email, and should K.P. violate this policy, Pascack Valley reserved the right to contact law enforcement.

In May 2024, ALJ Hobbs conducted the hearing on K.P. and I.M.'s school residency case against Pascack Valley. K.P. testified that she was living with Spiradinova due to financial issues. She did not document her financial issues. K.P. further testified that she lived with Spiradinova because of her health. She said she could not live alone. Fatima Ismali, a friend of K.P., also testified at the hearing. She first stated that K.P. was renting a room in an Airbnb. Ismali later testified that K.P. was so sick she could not be left alone, but this contradicted her statement that K.P. was renting an Airbnb room. This also contradicted testimony by Sandra Gaulker, K.P.'s psychotherapist, that K.P. does not need constant supervision by an adult, and she can live alone.

As already discussed, on July 16, 2024, ALJ Hobbs found that K.P. and I.M. were not living in Montvale and concluded that I.M. was not entitled to a free public education at Pascack Valley, and on October 8, 2024, the Commissioner of Education adopted her decision.

Almost one year later, on June 4, 2025, K.P. emailed Saddle Brook Superintendent Violetti stating, "It has come to my attention that a copy of the [Saddle Brook Settlement] involving my child was shared with [Pascack Valley] without my written consent, in violation of the Family Education Rights and Privacy Act (FERPA), as well as the confidentiality terms of the agreement itself."

Then, six months after that, on December 30, 2025, K.P. filed the first of four complaints at issue in this case against Saddle Brook, Pascack Valley, their superintendents, and the ECS.

CONCLUSIONS OF LAW

Motions to Dismiss

The Uniform Procedure Rules, N.J.A.C. 1:1-1.1 et seq., do not provide for motions to dismiss. However, N.J.A.C. 1:1-1.3 states that, in the absence of a rule, an Administrative Law Judge may proceed in accordance with the New Jersey Court Rules. New Jersey Court Rule 4:6-2 governs motions to dismiss. Under Rule 4:6-2(e), a judge may grant dismissal when a party fails to state a claim upon which relief can be granted. The inquiry is limited to "a consideration of the legal sufficiency of the alleged facts apparent on the face of the challenged claim." See Rieder v. State of N.J. Dept. of Transp., 221 N.J. Super. 547, 552 (App. Div. 1987). In other words, the court considers whether the complaint states a cognizable cause of action. Ibid. In ruling on the motion, "all facts in the alleged complaint and legitimate inferences drawn therefrom are deemed admitted." Smith v. City of Newark, 136 N.J. Super. 107, 112 (App. Div. 1975).

In this case, accepting all of K.P.'s alleged facts as true, she has failed to state a claim upon which relief can be granted. Therefore, I **CONCLUDE** that dismissal is appropriate.

Standing

Standing is the ability or entitlement to maintain an action before the court. In re Adoption of Baby T, 160 N.J. 332, 340 (1999). To be entitled to sue, a party must have "a sufficient stake and real adverseness with respect to the subject matter of the litigation." Id. at 340. Standing cannot be waived or conferred by consent. Id. at 341. In education cases, the Commissioner routinely states that parents of an adult child do not have standing to bring a claim on behalf of said adult child without his or her authorization. See, e.g., I.C.W. on behalf of minor child, J.W. v. Bd. of Educ. of the Borough of Mountain Lakes, EDU 05838-11, Final Decision, (Oct. 14, 2011) ("The Commissioner is in accord with the ALJ's determination that once J.W. turned 18, petitioner I.C.W. no longer had standing to pursue the claim" because J.W. did not file a Certification of Substitution or

appear before the ALJ to inform him that he would like his parents to proceed on his behalf).

In this case, I.M. turned eighteen in July 2024. K.P. filed the first of the instant complaints in December 2025, when I.M. was well over nineteen years old. K.P. did not provide any form of authorization for her to proceed on I.M.'s behalf, even after counsel for Saddle Brook immediately raised the issue in late December. Moreover, all of the claims K.P. makes in these complaints relate directly to I.M. For example, K.P. claims, among many other things, that I.M.'s confidential information was shared, I.M. should have received free school lunch, I.M.'s school records should be corrected, etc.. As an adult, only I.M has standing to bring these claims (unless she authorized someone else to bring them for her). Therefore, I **CONCLUDE** that K.P. does not have standing to bring the claims set forth in Complaint One, Two, Three, and Four.

Time Limitation

N.J.A.C. 6A:3-1.3(i) requires petitioners in education cases to file "no later than ninety days from the date of receipt of the notice of a final order, ruling, or other action by the district board of education, individual party, or agency, that is the subject of the requested contested case hearing." This rule "provides a measure of repose, an essential element in the proper and efficient administration of the school laws," giving school districts the "security of knowing" that an aggrieved party cannot challenge its actions after ninety days. Kaprow v. Board of Educ. of Berkeley Twp., 131 N.J. 572, 582 (1993).

Courts strictly construe and consistently apply the ninety-day limitation period. Kaprow, 131 N.J. at 588-89; Nissman v. Bd. of Educ., 272 N.J. Super 373, 380-81, (App. Div. 1994); Riely v. Bd. of Educ., 173 N.J. Super. 109, 112-14, (App. Div. 1980). The period begins to run when the petitioner "learn[s] from the Local Board the existence of the state of facts that would enable him to file a timely claim." Kaprow, 131 N.J. at 588-89. The "notice of a final order, ruling or other action" is "sufficient to inform an individual of some fact that he or she has a right to know and that the communicating party has a duty to communicate." Id. at 587. Notably, a petitioner does not receive official and formal notification that they may have a valid claim to begin the ninety days. Id. at 588. The

ninety-day filing period is a jurisdictional limitation, which the courts and the Commissioner strictly enforce and is typically not equitably relaxed absent fraud, defective notice, or misleading conduct by the school district. Riely, 173 N.J. Super. at 113.

Still, the Commissioner may exercise her authority under N.J.A.C. 6A:3-1.1.6 to relax the application of the ninety-day rule "where strict adherence thereto may be deemed inappropriate or unnecessary or may result in injustice." However, exceptions to the ninety-day rule are only appropriate where compelling circumstances exist to justify the enlargement or relaxation of the time limit. See Kaprow, 131 N.J. at 590; DeMaio v. New Providence Bd. of Educ., 96 N.J.A.R.2d (EDU) 449, 453. Indeed, this extraordinary relief is usually reserved only for situations where the party presents a substantial constitutional issue or a matter of significant public interest beyond concern only to the parties. Portee v. Bd. of Educ. of Newark, 94 N.J.A.R.2d (EDU) 381, 384; Wise v. Trenton Bd. of Educ., EDU 160-00, Initial Decision (July 25, 2000), adopted, Comm'r Decision (September 11, 2000), aff'd, St. Bd. (January 3, 2001), http://njlaw.rutgers.edu/collections/oal/.

In this case, K.P. admits that she was aware of all facts that form the basis of her claims well over ninety days before she filed the claims. For instance, all four of K.P.'s complaints allege that the Saddle Brook Settlement was confidential, improperly shared by Saddle Brook, and improperly considered by Pascack Valley. Yet, K.P. acknowledges that she knew about this on June 4, 2025. Her June 4th email stated: "It has come to my attention that a copy of the [Saddle Brook Settlement] involving my child was shared with [Pascack Valley] without my written consent..." K.P. didn't file anything about this issue until December 30, 2025, 209 days later.

K.P. was aware of all other facts alleged in her complaints even earlier. For instance, Pascack Valley and/or Bilotti denied I.M. free school lunch in or about September 2023 when I.M. was beginning her senior year of high school. That was over three years before K.P. filed the instant complaints. As another example, K.P. alleges that Saddle Brook didn't issue a residency determination or provide her with adequate

notice. Again, that determination – or lack thereof – dates back to the beginning of I.M.'s senior year of high school, which was three years before K.P. filed these complaints.

Finally, all of K.P.'s claims set forth in her complaints have only personal significance, making relaxation of the ninety-day rule inappropriate.

For all of these reasons, I **CONCLUDE** that K.P.'s claims set forth in her Complaint One, Two, Three, and Four are time-barred.

FERPA/NJPRA

The Family Educational Rights and Privacy Act (FERPA) expressly permits a school district to disclose a student's educational records, without parental consent, to another educational institution in which the student seeks or intends to enroll when the disclosure is related to the student's enrollment or transfer. C.F.R. § 99.31(a)(2). FERPA also permits a school district to disclose an educational record to another school district if that student is enrolled in or receives services from the other school district. C.F.R. §99.34(b)(1). Similarly, the New Jersey Pupil Records Act (NJPRA) authorizes "school personnel who are assigned educational responsibility for the student" to access student records. N.J.A.C. 6A:32-7.5.

In this case, K.P. agreed that her daughter, I.M., would attend Pascack Valley instead of Saddle Brook via the Saddlebrook Settlement. Saddle Brook then shared that agreement, the Saddlebrook Settlement, with Pascack Valley either when I.M. was attempting to enroll at Pascack Valley or when she was already attending Pascack Valley (or both) because Pascack Valley was assuming educational responsibility for I.M. This is expressly permitted by FERPA and NJPRA. Also, the Saddlebrook Settlement does not contain a confidentiality clause as K.P. alleges. Additionally, as a practical matter, both Saddlebrook and Pascack Valley would not be able to fulfill the terms of the agreement that K.P. herself made and signed without sharing the agreement; thus, K.P.'s consent for Saddlebrook and Pascack Valley to share the agreement may be implied.

FERPA defines educational records as records that are directly related to a student and maintained by an educational agency or institution or by a party acting for the agency or institution. C.F.R. § 99.3. FERPA defines personally identifiable information (PII) as information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community who does not have knowledge of the relevant circumstances to identify the student with reasonable certainty. Id. PII includes, but is not limited to, the student's name or the name of the student's parent. Id. An educational agency may disclose PII from an education record of a student without consent if the disclosure is to other school officials that the agency has determined to have legitimate educational interests, or if the disclosure is in connection with a health or safety emergency. C.F.R. § 99.31.

NJPRA contains provisions similar to FERPA. For instance, N.J.A.C. 6A:32-7.5 specifically authorizes "school district personnel who are assigned educational responsibility for the student" to access student records. Also, "a district board of education shall have access through the chief school administrator…to information contained in a student's record." Id. Additionally, "nothing…shall be construed to prohibit school personnel from disclosing information…in connection with an emergency…" Id.

In this case, K.P. alleges that ECS DeLisio improperly communicated confidential information when he told Pascack Valley Superintendent Bilotti that K.P. called his office threatening to kill herself. However, this information was not an educational record under FERPA's definition. At best, the information was PII, as it contained the name of a student's parent. However, FERPA specifically allows the release of PII to school officials who have a legitimate educational interest. Similarly, NJPRA permits access by school personnel who have educational responsibility for a student. At the time, K.P. was attempting to re-enroll I.M. at Bilotti's school, which is why she called DeLisio, so Bilotti certainly had a legitimate educational interest in the information. More than that, Bilotti continued to be responsible for I.M.'s education throughout the next school year. Furthermore, FERPA and NJRP allow the release of information in the event of an emergency. K.P. herself admits that DeLisio believed it was an emergency: "[he] interpreted th[e] contact as suggesting an adult welfare concern and caused law enforcement to be contacted."

Finally, the Commissioner of Education has consistently ruled that she does not have jurisdiction over FERPA claims:

> The Commissioner has jurisdiction to hear and determine all controversies and disputes arising under the school laws, as well as the rules of the State Board of Education or the Commissioner. N.J.S.A. 18A:6-9. The Commissioner has no jurisdiction to adjudicate FERPA, which is a federal law. Accordingly, any claim that the Board has violated FERPA is dismissed.
>
> [M.M., o/b/o minor child, v. Bd. of Educ. of the Twp. of Lafayette, EDU 05225-20, Initial Decision (August 7, 2020), adopted, Comm'r (November 5, 2020).]

For all of these reasons, I **CONCLUDE** that K.P.'s Complaint One, Two, Three, and Four fail to state any claims under FERPA or NJRP upon which relief can be granted.

Res Judicata

Broadly stated, the doctrine of res judicata bars "relitigation of claims or issues that have already been adjudicated." Velasquez v. Franz, 123 N.J. 498, 505 (1991). It provides that "a cause of action between parties that has been finally determined on the merits by a tribunal having jurisdiction cannot be relitigated by those parties or their privies in a new proceeding." Ibid. The doctrine fosters "the important policy goals of 'finality and repose; prevention of needless litigation; avoidance of duplication; reduction of unnecessary burdens of time and expenses; elimination of conflicts, confusion and uncertainty; and basic fairness . . .'" First Union Nat'l Bank v. Penn Salem Marina, Inc., 190 N.J. 342, 352 (2007) (quoting Hackensack v. Winner, 82 N.J. 1, 32-33 (1980)). It also "maintain[s] judicial integrity by minimizing the possibility of inconsistent decisions regarding the same matter." Velasquez, 123 N.J. at 505. For the doctrine of res judicata to bar an action, there must be "substantially similar or identical causes of action and issues, parties, and relief sought" between the two actions, and a final judgment must have been entered in the earlier action by a court of competent jurisdiction. Culver v. Ins. Co. of N. Am., 115 N.J. 451, 460 (1989).

In this case, K.P. litigated Pascack Valley's school residency determination extensively before ALJ Hobbs over two years ago. The hearing took three days and involved 271 exhibits submitted by K.P. alone. ALJ Hobbs' decision was adopted by the Commissioner of Education in an eleven-page final decision. K.P. seeks to re-open the case with claims she describes as "improper student removal [and] residency determinations," which is precisely what was already litigated. Thus, I **CONCLUDE** that K.P.'s claims in her Complaint One, Two, Three, and Four related to I.M.'s school residency case are barred by the doctrine of res judicata.

ORDER

Based on my findings of fact and conclusions of law, K.P.'s Complaints One, Two, Three, and Four are **DISMISSED**.

I hereby **FILE** this initial decision with the **ACTING COMMISSIONER OF THE DEPARTMENT OF EDUCATION** for consideration.

This recommended decision may be adopted, modified, or rejected by the **ACTING COMMISSIONER OF THE DEPARTMENT OF EDUCATION,** who by law is authorized to make a final decision in this matter. If the Acting Commissioner of the Department of Education does not adopt, modify, or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision under N.J.S.A. 52:14B-10.

Within thirteen days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the **ACTING COMMISSIONER OF THE DEPARTMENT OF EDUCATION. Exceptions may be filed by email to** ControversiesDisputesFilings@doe.nj.gov **or by mail to Office of Controversies and Disputes, 100 Riverview Plaza, 4th Floor, PO Box 500, Trenton,**

New Jersey 08625-0500. A copy of any exceptions must be sent to the judge and to the other parties.



September 11, 2026

DATE

ANDREA PERRY VILLANI, ALJ

Date Received at Agency: September 11, 2026

Date Mailed to Parties: September 11, 2026

sej

APPENDIX

Documents Relied On

Saddle Brook & Violetti's December 23, 2025 Motion Brief
Pascack Valley & Bilotti's March 25, 2026 Motion Brief
NJ Department of Education's March 10, 2026 Motion Brief
K.P.'s May 15, 2026 Opposition Brief
K.P.'s June 29, 2026 Opposition Brief
Saddle Brook & Violetti's July 24, 2026 Reply Brief
Pascack Valley & Bilotti's July 24, 2026 Reply Brief
NJ Department of Education's July 24, 2026 Reply Brief